

Senate File 352

S-3090

1 Amend Senate File 352 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I  
4 ELECTRONIC FILING REQUIREMENTS>

5 2. Page 2, after line 35 by inserting:

6 <DIVISION \_\_\_\_  
7 DONOR DISCLOSURES AND JUDICIAL STANDARDS FOR LIBELOUS  
8 STATEMENTS

9 Sec. \_\_\_\_ . Section 68A.102, subsection 17, Code  
10 2017, is amended to read as follows:

11 17. "*Person*" means, without limitation, any  
12 individual, corporation, government or governmental  
13 subdivision or agency, business trust, estate, trust,  
14 partnership or association, labor union, social welfare  
15 organization, as described in section 501(c)(4) of the  
16 Internal Revenue Code, or any other legal entity.

17 Sec. \_\_\_\_ . Section 68A.404, subsection 5, Code 2017,  
18 is amended by adding the following new paragraph:

19 NEW PARAGRAPH. *i.* If the person making the  
20 independent expenditure uses, in whole or in part,  
21 anything of value from one or more donors which was not  
22 given for the purpose of furthering the independent  
23 expenditure, the person making the independent  
24 expenditure must disclose the names of each donor who  
25 gave to the person making the independent expenditure  
26 in the twelve months prior to the independent  
27 expenditure being made and the amount and date of each  
28 donation in that period. For purposes of this section,  
29 a donor is a person who has rendered anything of value  
30 in return for which legal consideration of equal or  
31 greater value is not given and received.

32 Sec. \_\_\_\_ . Section 659.4, Code 2017, is amended to  
33 read as follows:

34 **659.4 Candidate Libel in campaign materials —**  
35 **contributor liability — candidate — retraction — time**

1 — **imputing sexual misconduct.**

2 1. a. For the purposes of this subsection:

3 (1) "Candidate", "committee", "contribution", and  
4 "person" mean the same as those terms are defined in  
5 section 68A.102.

6 (2) "Published material" means the same as defined  
7 in section 68A.405, subsection 1.

8 b. A person making an independent expenditure under  
9 section 68A.404 or a committee commits libel if the  
10 person or committee negligently makes a defamatory  
11 statement in published material concerning a clearly  
12 identified candidate for public office. A candidate  
13 for public office who is subject of such a libelous  
14 statement may bring an action for damages under this  
15 subsection against the person or committee responsible  
16 for publishing the material.

17 c. The candidate under paragraph "b" may recover  
18 actual, special, and exemplary damages. A person  
19 making the independent expenditure under section  
20 68A.404 or a committee publishing libelous statements  
21 shall be liable for damages, and any person making a  
22 contribution to the independent expenditure or to the  
23 committee shall be jointly and severally liable up to  
24 a dollar amount not to exceed the aggregate of the  
25 person's contributions to the independent expenditure  
26 or to the committee in the two years preceding the  
27 filing of the action for damages.

28 2. If the plaintiff was a candidate for office at  
29 the time of the libelous publication, no retraction  
30 shall be available unless published in a conspicuous  
31 place on the editorial page, nor if the libel was  
32 published within two weeks next before the election.  
33 This ~~section~~ subsection and [sections 659.2](#) and [659.3](#) do  
34 not apply to libel imputing sexual misconduct to any  
35 persons.>

- 1 3. Title page, line 1, after <to> by inserting
- 2 <election campaigns, including>
- 3 4. Title page, line 3, after <board> by inserting
- 4 <, independent expenditure donor disclosures, and
- 5 judicial standards related to libelous statements in
- 6 published campaign materials>
- 7 5. By renumbering as necessary.

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